| 1<br>2<br>3 | Bret A. Stone (State Bar No. 190161) John R. Till (State Bar No. 178763) PALADIN LAW GROUP® LLP 3757 State Street, Suite 201 |   |  |
|-------------|--|---|--|
| 4           | Santa Barbara, California 93105 Telephone: (805) 898-9700 Facsimile: (805) 880-0499  |   |  |
| 5           | Counsel for Spaulding  |   |  |
| 6           | IN THE UNITED STATES DISTRICT COURT  |   |  |
| 7           | FOR THE NORTHERN DISTRICT OF CALIFORNIA  |   |  |
| 8           | ESTATE OF VIOLA B. SPAULDING, et al.,  | Case No. C 08-00672   |  |
| 10          | Plaintiffs,  | STIPULATION RE VOLUNTARY DISMISSAL OF SECOND AMENDED COMPLAINT AS TO            |  |
| 11<br>12    | v. YORK CLEANERS, INC., et al.   | ESTATE OF BARNARD LEWIS, DECEASED <i>EX REL</i> . INSURANCE COMPANY OF THE WEST |  |
| 13          | Defendants.  |   |  |
| 14          | AND RELATED COUNTERCLAIMS, CROSS-CLAIMS, AND THIRD-PARTY CLAIMS  | Court Rm. 8 on the 19th Floor<br>Hon. Charles R. Breyer                         |  |
| 15          |  | •   |  |
| 16          | WHEREAS the Estate of Barnard Lewis, Deceased ex rel. Insurance Company of the West has                                      |   |  |
| 17          | filed a motion to dismiss, or in the alternative, motion for summary judgment on the basis that it has                       |   |  |
| 18<br>19    | not located an insurance policy for Barnard Lewis, David Victor Lewis, or York Cleaners, Inc.                                |   |  |
| 20          | WHEREAS the Estate of Viola B. Spaulding, Florence Spaulding, Lynn Spaulding doing   |   |  |
| 21          | business as Spaulding Enterprizes, Tina Spaulding Ward doing business as Spaulding Enterprizes, and                          |   |  |
| 22          | the Conservatorship of Eileen Spaulding (collectively, "Spaulding") seeks to voluntarily dismiss                             |   |  |
| 23          | without prejudice its Second Amended Complaint as to Estate of Barnard Lewis, Deceased ex rel.                               |   |  |
| 24          | Insurance Company of the West.   |   |  |
| 25          | IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, BY AND THROUGH   |   |  |
| 26          | THEIR UNDERSIGNED COUNSEL, THAT:   |   |  |
| 27          | 1. Pursuant to Federal Rules of  | Civil Procedure 41(a)(1)(A)(ii) Spaulding's Second                              |  |



## Case 3:08-cv-00672-CRB Document 126 Filed 06/02/09 Page 2 of 2

| 1                               | Amended Complaint as to Estate of Barnard Lewis, Deceased ex rel. Insurance Company of the Wes |   |
|---------------------------------|--|---|
| 2                               | is voluntarily dismissed without prejudice.  |   |
| 3                               | IT IS SO STIPULATED:   |   |
| 4                               | DATED: May 29, 2009  | PALADIN LAW GROUP® LLP  |
| 5                               |  |   |
| 6                               |  | By: /S/ Bret A. Stone   |
| 7                               |  | Bret A. Stone<br>Counsel for Spaulding  |
| 8                               |  |   |
| 9                               | DATED: May 29, 2009  | LAW OFFICES OF CLIFFORD HIRSCH  |
| 10                              |  |   |
| 11                              |  | By: /S/ Robert V. Closson   |
| 12                              |  | Counsel for Estate of Barnard Lewis, Deceased <i>ex rel</i> . Insurance Company of the West |
| 13                              |  |   |
| 14                              |  | TES DISTRICT  |
| 15                              |  |   |
| 16                              |  | IT IS SO ORDERED  |
| 17                              |  |   |
| 18                              |  | Judge Charles R. Breyer   |
| 19                              |  |   |
| 20                              |  | DISTRICT OF CO  |
| 21                              |  | O18TRIC*  |
| 22                              |  |   |
| 23                              |  |   |
| 24                              |  |   |
| 25                              |  |   |
| <ul><li>26</li><li>27</li></ul> |  |   |
| //                              |  |   |

